

AMENDED IN SENATE APRIL 7, 2011

Senate Concurrent Resolution

No. 2

Introduced by Senator DeSaulnier

December 6, 2010

Senate Concurrent Resolution No. 2—Relative to the ~~California Constitution Revision Commission~~ *Constitutional Convention*.

LEGISLATIVE COUNSEL'S DIGEST

SCR 2, as amended, DeSaulnier. ~~California Constitution Revision Commission~~. *Constitutional Convention*.

Under the California Constitution, the Legislature by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, may submit at a general election the question whether to call a convention to revise the Constitution. If the majority vote yes on that question, within 6 months the Legislature is required to provide for the convention.

This measure would propose that the people of the State of California vote at the next statewide general election on the question of whether to call a convention to revise the California Constitution.

~~This measure would create the California Constitution Revision Commission with 19 members to examine, and make recommendations regarding, specified matters relating to state and local government.~~

Fiscal committee: yes.

1 *WHEREAS, Section 2 of Article XVIII of the California*
2 *Constitution provides that the Legislature by rollcall vote entered*
3 *in the journal, two-thirds of the membership of each house*
4 *concurring, may submit at a general election the question of*
5 *whether to call a convention to revise the Constitution; and*

1 *WHEREAS, Section 2 of Article XVIII of the California*
2 *Constitution further provides that if a majority votes yes on the*
3 *question of whether to call a convention to revise the Constitution,*
4 *the Legislature shall provide for a convention within six months;*
5 *and*

6 *WHEREAS, Section 2 of Article XVIII of the California*
7 *Constitution further provides that delegates to a constitutional*
8 *convention shall be voters elected from districts as nearly equal*
9 *in population as may be practicable; now, therefore, be it*

10 *RESOLVED BY THE SENATE OF THE STATE OF*
11 *CALIFORNIA, THE ASSEMBLY THEREOF CONCURRING,*
12 *That the Legislature of the State of California at its 2011–12*
13 *Regular Session commencing on the sixth day of December 2010,*
14 *two-thirds of the membership of each house concurring, hereby*
15 *proposes that the people of the State of California vote at the next*
16 *statewide general election on the question of whether to call a*
17 *convention to revise the California Constitution to provide for the*
18 *effective and efficient delivery of public services, subject to all of*
19 *the following:*

20 *(a) Pursuant to Section 2 of Article XVIII of the California*
21 *Constitution, the question of whether to call a convention to revise*
22 *the California Constitution shall be submitted to the voters at the*
23 *next statewide general election, and if the majority vote yes on*
24 *that question, within six months the Legislature shall provide for*
25 *the convention.*

26 *(b) The Secretary of State shall submit the question of whether*
27 *to call a convention to revise the California Constitution to the*
28 *voters as the Secretary of State would submit any other proposition*
29 *by the Legislature that is submitted to a popular vote at a statewide*
30 *general election; and be it further*

31 *RESOLVED, That the Legislature of the State of California at*
32 *its 2011–12 Regular Session commencing on the sixth day of*
33 *December 2010, two-thirds of the membership of each house*
34 *concurring, hereby submits at the next statewide general election*
35 *after passage of this measure a question asking whether voters*
36 *are for or against the calling of a convention for the purpose of*
37 *revising the California Constitution; and be it further*

38 *RESOLVED, That the Secretary of the Senate transmit copies*
39 *of this resolution to the author for appropriate distribution.*

1 WHEREAS, It is in the best interests of the state to examine the
2 functioning of state government and to develop proposals for
3 revisions to the California Constitution that will allow state
4 government to function more effectively; now, therefore, be it

5 *Resolved by the Senate of the State of California, the Assembly*
6 *thereof concurring*, as follows:

7 (a) The California Constitution Revision Commission is hereby
8 created.

9 (b) (1) The commission shall consist of 19 members, as follows:

10 (A) Nine members to be appointed by the Speaker of the
11 Assembly. Four of those members to be appointed pursuant to
12 paragraph (2). Of the other five members, no more than three
13 members may be registered with the same political party, no more
14 than two members may be Members of the Legislature, and two
15 members shall be appointed in consultation with the Assembly
16 Republican Caucus.

17 (B) Nine members to be appointed by the Senate Committee
18 on Rules. Four of those members to be appointed pursuant to
19 paragraph (2). Of the other five members, no more than three
20 members may be registered with the same political party, no more
21 than two members may be Members of the Legislature, and two
22 members shall be appointed in consultation with the Senate
23 Republican Caucus.

24 (C) The Legislative Analyst, or his or her designee.

25 (2) It is the intent of the Legislature that four of the members
26 to be appointed by the Speaker of the Assembly and four of the
27 members to be appointed by the Senate Committee on Rules be
28 designated by the Governor. Of those eight members designated
29 by the Governor, no more than one may be a Member of the
30 Legislature and no more than four may be registered with the same
31 political party.

32 (3) No lobbyist, as defined in Section 82039 of the Government
33 Code, may serve as a member of the commission. The membership
34 of the commission shall broadly reflect the ethnic, racial, cultural,
35 geographic, and gender diversity of the state.

36 (4) The initial appointments to the commission shall be made
37 no later than 90 days after this resolution is adopted by both houses
38 of the Legislature.

39 (e) (1) Each member of the commission shall serve without
40 compensation, but, upon appropriation by the Legislature, each

1 member shall receive one hundred dollars (\$100) for each day
2 while on official business of the commission. In addition, each
3 member shall be entitled to receive necessary expenses actually
4 incurred in the performance of his or her duties.

5 (2) The commission may appoint an executive secretary and fix
6 his or her compensation, to be paid upon appropriation by the
7 Legislature.

8 (d) The Legislative Counsel, Legislative Analyst, State Auditor,
9 and Department of Finance shall assist the commission in the
10 performance of its duties.

11 (e) The commission shall assist the Governor and the Legislature
12 by examining and making recommendations regarding all of the
13 following:

14 (1) The budget process, including, but not limited to, how the
15 budget is formulated and enacted, whether the budget process
16 serves the future needs of the state, the appropriate balance of
17 resources and spending by the state, and the fiscal relations of the
18 state, federal, and local governments. The commission shall also
19 examine any constraints and impediments that interfere with the
20 orderly and comprehensive consideration of all fiscal matters that
21 affect the development of a budget for the state, including, but not
22 limited to, the requirement of a two-thirds vote in each house of
23 the Legislature to impose taxes for the purpose of increasing
24 revenues, the term of the budget, and spending mandates.

25 (2) The structure of state governance, including, but not limited
26 to, the legislative and executive branches. In this regard, the
27 commission shall examine state agencies and commissions in order
28 to increase accountability and improve the process of formulating,
29 considering, and approving policy determinations and a budget
30 for the state.

31 (3) The current configuration of state and local government
32 duties, responsibilities, and priorities, including, but not limited
33 to, the following: the fiscal relations of state and local governments;
34 including the revenue distribution relationship between local and
35 state government; the types of services delivered; mechanisms of
36 service delivery; desired program outcomes; methods of
37 performance measurement; and any constraints or impediments
38 that interfere with the most effective allocation of state and local
39 responsibilities.

1 ~~(4) The initiative and referendum processes, campaign finance,~~
2 ~~and term limits.~~

3 ~~(f) The commission shall submit a report to the Governor and~~
4 ~~the Legislature no later than one year from the date of its initial~~
5 ~~meeting setting forth its findings with respect to the matters~~
6 ~~contained in subdivision (e). The commission should submit~~
7 ~~interim reports before that date whenever it makes a finding and~~
8 ~~recommendation on a specific topic.~~

9 ~~(g) In carrying out its duties and responsibilities, the commission~~
10 ~~shall have the following powers:~~

11 ~~(1) To meet at times and places as it may deem proper. The~~
12 ~~commission is subject to the provisions of the Bagley-Keene Open~~
13 ~~Meeting Act (Article 9 (commencing with Section 11120) of~~
14 ~~Chapter 1 of Part 1 of Division 3 of Title 2 of the Government~~
15 ~~Code).~~

16 ~~(2) To contract, as it deems necessary, for the rendering of~~
17 ~~services, facilities, studies, and reports to the commission as will~~
18 ~~best assist it to carry out its duties and responsibilities.~~

19 ~~(3) To cooperate with, and secure the cooperation of, county,~~
20 ~~city, city and county, and other local government agencies in~~
21 ~~investigating any matter within the scope of its duties and~~
22 ~~responsibilities.~~

23 ~~(4) To secure directly from every department, agency, or~~
24 ~~instrumentality full cooperation, access to its records, and access~~
25 ~~to any information, suggestions, estimates, data, and statistics that~~
26 ~~it may have available.~~

27 ~~(5) To do any and all things necessary or convenient to enable~~
28 ~~it fully and adequately to perform its duties and to exercise the~~
29 ~~powers expressly granted to it.~~